

REMARKS

In view of the above amendments and the following remarks, favorable reconsideration of the outstanding office action is respectfully requested.

Claims 1-11 and 14-23 remain in this application. Claims 12 and 13 have been canceled, claims 1, 3, 5 and 14 have been amended, and claims 18-23 have been added in this response. Applicant believes that no new matter is added to the application as part of this response.

1. Amendments

Claims 1 and 5 have been rewritten to recite a silicon-germanium oxynitride glass. Claim 3 has been rewritten to depend from claim 2. Claim 14 has been rewritten to more clearly recite the claimed silica-germania-titania glass.

New claims 18 and 19 depend respectively from claims 1 and 5, reciting that the silicon-germanium oxynitride glass consists essentially of oxides and nitrides of silicon and germanium. New claim 20 depends from claim 14, reciting that the silica-germania-titania glass consists essentially of oxides of titanium, silicon and germanium. Support for these limitations are found in the specification as filed, for example, in the examples and in FIGS. 3 and 23.

New claim 21 recites index and CTE limitations for the silica-germania-titania glass of claim 17. Support for this limitation is found, for example, in original claim 13.

New claim 22 recites a planar optical device including a waveguide formed from a specified glass, and a liquid crystal element coupled to the waveguide. New claim 23 recites index and CTE limitations for the glass. Support for these claims is found in the specification, for example, in the description of the LC cross-connect device beginning at page 14.

Please charge the fee of \$138 under 37 C.F.R. §§1.16(b) and (c) for one new independent claim in excess of three and three new claims in excess of twenty to the Deposit Account of the undersigned firm of attorneys, Deposit Account 03-3325.

2. Claim Rejections - 35 U.S.C. §102

The Examiner has rejected claims 1, 3 and 4 under 35 U.S.C. §102(b) as being anticipated by Dalton et al. (U.S. 3,542,572). Claim 1 has been rewritten to recite a silicon germanium oxynitride material; as such, the claim now requires nitride to be present. Dalton et al. discloses only silicon germanium oxide materials; it neither teaches

nor suggests silicon germanium oxynitride glasses. Applicant therefore requests that the Examiner withdraw the §102 rejections based on Dalton et al. of independent claim 1, as well as of dependent claims 3 and 4.

The Examiner has rejected claims 12-14 under 35 U.S.C. §102(b) as being anticipated by Storgaard-Larsen et al. (WO 97/23426). Claims 12 and 13 have been canceled, rendering moot the rejections thereof.

Claim 14 recites "a silica-germania-titania glass having...a Ti/(Si + Ge + Ti) mole ratio of less than about 0.08." Storgaard-Larsen et al. does not disclose or suggest silica-germania-titania materials. The materials described therein include silica and germania, but do not include titania. Since claim 14 requires the presence of titania in the material, Applicant submits that Storgaard-Larsen is not anticipatory, and requests that the Examiner withdraw the §102 rejection based thereon of claim 14.

The Examiner has rejected claims 1, 3 and 4 under 35 U.S.C. §102(b) as being anticipated by Maurer et al. (U.S. 3,884,550). Claim 1 has been rewritten to recite a silicon germanium oxynitride material; as such, the claim now requires nitride to be present. Maurer et al. discloses only silicon germanium oxide materials; it neither teaches nor suggests silicon germanium oxynitride glasses. Applicant therefore requests that the Examiner withdraw the §102 rejections based on Maurer et al. of independent claim 1, as well as of dependent claims 3 and 4.

The Examiner has rejected claim 12 under 35 U.S.C. §102(b) as being anticipated by Yamagashi et al. (U.S. 4,495,298). Claim 12 has been canceled, rendering this rejection moot. However, Applicant does disagree that the broad ranges of claim 1 of Yamagashi et al. are sufficiently specific to anticipate claim 12 (see M.P.E.P. §2131.03).

The Examiner has rejected claims 1, 3 and 4 under 35 U.S.C. §102(b) as being anticipated by Lehrer (U.S. 4,935,095). Claim 1 has been rewritten to recite a silicon germanium oxynitride material; as such, the claim now requires nitride to be present. Lehrer discloses only silicon germanium oxide materials; it neither teaches nor suggests silicon germanium oxynitride glasses. Applicant therefore requests that the Examiner withdraw the §102 rejections based on Lehrer of independent claim 1, as well as of dependent claims 3 and 4.

The Examiner has rejected claim 12 under 35 U.S.C. §102(b) as being anticipated by Hoaglin et al. (U.S. 5,841,933). Claim 12 has been canceled, rendering this rejection moot.

2. Claim Rejections - 35 U.S.C. §103

The Examiner has rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Maurer et al. Claim 5 has been rewritten to recite that the glass is a silicon germanium oxynitride glass. Since Maurer does not teach or suggest oxynitride glasses, Applicant submits that rewritten claim 5 is patentable over Maurer et al., and requests that the §103 rejection thereon of claim 5 be withdrawn.

3. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 9-11 and 17 are allowed, and that claims 2, 6-8, 15 and 16 consist of allowable subject matter. Each of these claims is now believed to be in allowable form.

4. Conclusion

Based upon the above amendments, remarks, and papers of record, Applicant believes the pending claims 1-11 and 14-23 of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims and a prompt Notice of Allowance thereon.


Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. §1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to James V. Suggs at 607/974-3606.

Date: 7-8-03

Respectfully submitted,

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